

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING
ROOM 113
THURSDAY, OCTOBER 7, 2004
8:15 A.M.**

Commissioners Present: Ray Stevens, Chair
Larry Hudkins, Vice Chair
Bernie Heier
Bob Workman
Deb Schorr

Others Present: Gwen Thorpe, Deputy Chief Administrative Officer
Kristy Mundt, Deputy County Attorney
Bruce Medcalf, County Clerk
Trish Owen, Chief Deputy County Clerk
Ann Taylor, County Clerk's Office

The Chair opened the meeting at 8:17 a.m.

AGENDA ITEM

1 APPROVAL OF THE STAFF MEETING MINUTES OF THURSDAY, SEPTEMBER 30, 2004

MOTION: Workman moved and Schorr seconded approval of the Staff Meeting minutes of September 30, 2004. Workman, Schorr, Heier and Stevens voted aye. Hudkins was absent from voting. Motion carried.

2 ADDITIONS TO THE AGENDA

A. Correspondence from Dean Settle, Community Mental Health Center Director, Regarding the Assertive Community Treatment (ACT) Team

MOTION: Workman moved and Stevens seconded approval of the addition to the agenda. Workman, Stevens, Schorr and Heier voted aye. Hudkins was absent from voting. Motion carried.

The Board scheduled a briefing on the October 21, 2004 Staff Meeting agenda.

Gwen Thorpe, Deputy Chief Administrative Officer, will ask Randall Funding and Development, Inc. to research grant opportunities.

3 COMMISSIONERS MEETING REPORTS

A. Lincoln-Lancaster County Ecological Advisory Committee (EAC) - Heier

Heier said the committee received an interim report from the Acreage Development Subcommittee.

Mike DeKalb, Planning Department, appeared and discussed Dr. David Samani's applications for a change of zone and special permit at 201 West South Street to construct and operate a motocross track club. He said Dr. Samani has also indicated plans to reapply for a special permit on Southwest 84th Street and Kolbrook Road to operate a motocross track for friends and family.

Hudkins arrived at 8:27 a.m.

B. Lincoln Partnership for Economic Development (LPED) - Stevens

Stevens said there was a demonstration of the new umbrella website for the Lincoln Chamber of Commerce; Lincoln Partnership for Economic Development (LPED); and Lincoln Convention & Visitors Bureau (CVB) and a presentation on the University of Nebraska's Center for Entrepreneurship.

4 **A) COUNTY FINAL PLAT NO. 04064, FOUR WINDS ESTATES, SOUTHWEST 84TH STREET AND OLD CHENEY ROAD; AND B) COUNTY SPECIAL PERMIT NO. 04046 AND COUNTY PRELIMINARY PLAT NO. 04020, MUSTANG RIDGE, NORTHWEST 27TH STREET AND WEST AGNEW ROAD** - Derek Miller and Mike DeKalb, Planning Department

County Final Plat No. 04064

Derek Miller, gave an overview of County Final Plat No. 04064, Four Winds Estates Addition, consisting of four lots on property at Southwest 84th Street and West Old Cheney Road (Exhibit B), noting recommendations of conditional approval from Staff and the Planning Commission.

County Special Permit No. 04046 and County Preliminary Plat No. 04020

Mike DeKalb, Planning Department, gave an overview of County Special Permit No. 04046, Mustang Ridge Community Unit Plan (CUP), and County Preliminary Plat No. 04020, Mustang Ridge, consisting of four residential acreages on property located southeast of the intersection of Northwest 27th Street and West Agnew Road (Exhibit C). There are recommendations of conditional approval from Staff and the Planning Commission. DeKalb said there are two letters of opposition from area farmers citing the following concerns: 1) Ground water supply; 2) Increased property taxes; 3) Rising land prices.

ADMINISTRATIVE OFFICER REPORT

- A. Authorize Gwen Thorpe, Deputy Chief Administrative Officer, to Sign Proxy for Hartford Life Insurance Company Putnam International New Opportunities Fund
- B. Authorize Gwen Thorpe, Deputy Chief Administrative Officer, to Sign Proxy for Hartford Life Insurance Company Putnam Vista Fund
- C. Authorize Gwen Thorpe, Deputy Chief Administrative Officer, to Sign Two Proxies for Nationwide Life Insurance Company Baron Growth Fund
- D. Authorize Gwen Thorpe, Deputy Chief Administrative Officer, to Sign Proxy for Nationwide Life Insurance Company Putnam Voyager Fund

MOTION: Workman moved and Hudkins seconded to: 1) Direct that the information be made available in the County Commissioners' Office for a period of one week to allow time for Board review ; and 2) Authorize the Chief Administrative Officer or Deputy Chief Administrative Officer to sign the proxies following the Board's review. Hudkins, Heier, Workman, Stevens and Schorr voted aye. Motion carried.

- E. Correspondence Regarding Development at 84th Street and Highway 2 (See Agenda Packet and Exhibit D)

Schorr reported on a meeting that residents of Clarendon Hills and Portsche Heights and Amber Hills Estates, the three subdivisions that surround new development at 84th Street and Highway 2, held to discuss whether to form a paving district. She said residents of Portsche Heights and Clarendon Hills seem to want asphalt and to preserve the rural character of the area and said residents of Amber Hills would eventually like curb and gutter. Access to the housing development is a major concern. Schorr said the County Engineer would prefer that everything have curb and gutter, but asphalt is all that is required by County Standards. Schorr said the City Engineer wants the ring road to be curb and gutter because he believes that is where the heavy traffic will be.

Workman said it appears that residents will approve an asphalt paving district . He said residents of Amber Heights are concerned that the City may require curb and gutter in the future at the homeowners' cost and that the developer may destroy the asphalt roads.

Heier inquired about the timetable for annexation. He also asked whether build-through standards (guidelines allowing for future acreage development to be converted to an urban-style configuration when they are brought into the City) would apply.

Schorr said the Planning Department has informed her that a county petition for county road street surfacing is not affected by the proposed build-through standards. A different provision of state law applies. The build-through is an overlay zoning district and subdivision regulations targeted to new acreage subdivisions that are approved in the City's three-mile zoning jurisdiction.

The Board requested a briefing by Don Thomas, County Engineer, and Roger Figard, City Engineer, at a Staff Meeting scheduled on October 12, 2004 at 12:00 p.m.

Schorr, Workman and Thorpe will set up a meeting with Don Thomas, County Engineer; Allan Abbott, City Public Works/Utilities Director; Roger Figard, City Engineer; Duncan Ross, Planning Department; and the residents of Clarendon Hills and Portsche Heights and Amber Hills Estates.

- 5 A) INTRODUCTION OF CHRISTINE SALVATORE, DRUG COURT COORDINATOR; B) ELECTRONIC MONITORING CONTRACT; AND C) SUBSTANCE ABUSE EDUCATION/INTERVENTION SERVICES WITH SANDRA FINELY - Kim Etherton, Community Corrections Director**

Introduction of Drug Court Coordinator

Item dropped from the agenda.

Electronic Monitoring Contract

Kim Etherton, Community Corrections Director, and Kristy Mundt, Deputy County Attorney, relayed the terms of a lease to purchase equipment contract and monitoring service agreement with BI, Inc. of Boulder, Colorado for electronic monitoring equipment.

Substance Abuse Education/Intervention Services

Etherton said liability insurance terms are still being worked out.

- 6 MICROCOMPUTER REQUEST C#2004-370, \$939.75 FOR JUVENILE SERVICES COORDINATOR CONTRACT - Kit Boesch, Human Services Administrator**

Thorpe said the request has been withdrawn.

- 7 A) SAFETY ISSUE - SOUTH 98TH STREET, PIONEERS BOULEVARD AND OLD CHENEY ROAD; AND B) CLARIFICATION REGARDING REQUEST FOR FLAT SCREEN MONITORS - Bill Jarrett, Chief Deputy Sheriff; Roger Figard, City Engineer**

Clarification Regarding Request for Flat Screen Monitors

Bill Jarrett, Chief Deputy Sheriff, said the Board approved the purchase of seven (7) computers for his office on August 5, 2004, but did not approve the request for flat screen monitors. He clarified that the request is to purchase three (3) regular monitors and four (4) flat screen monitors. Jarrett said the flat screen monitors will be used in areas with space limitations and said his department is willing to make up the cost difference of \$233 per monitor.

MOTION: Workman moved and Schorr seconded to approve seven (7) computer monitors at a cost of \$160 each, with the understanding that Drug Forfeiture Funds or grant funds can be used to pay the difference to upgrade to flat screen monitors. Hudkins, Heier, Workman, Schorr and Stevens voted aye. Motion carried.

Safety Issue

The Board reviewed correspondence from Marvin Lyman, 4800 South 98th Street, regarding traffic that has been diverted from 84th Street construction onto 98th Street (see agenda packet). Issues include traffic counts, traffic type (large trucks), vehicles traveling at a high rate of speed, dust and damage to the road.

Jarrett said he monitored traffic for approximately 45 minutes on October 6th and did not observe excess traffic or any speeders. He said dust appears to be the main problem.

Roger Figard, City Engineer, gave an update on the status of three construction projects on 84th Street and said the middle portion (Old Cheney Road to Pioneers Boulevard) will remain closed this winter. He will discuss what should be done with 98th Street with the County Engineer and will contact the dirt haulers on 98th Street regarding their completion schedule.

Hudkins suggested putting a temporary blacktop on 98th Street.

Figard said he does not have the funds to do so.

MOTION: Hudkins moved and Heier seconded to: 1) Ask the County Engineer to take traffic counts on 98th Street and 112th Street, between Van Dorn Street and Highway 2, including the intersections at Old Cheney Road, Pioneers Boulevard and Highway 2; and 2) Ask the County Engineer and City Engineer to explore options for controlling dust and report back. Hudkins, Heier, Workman, Schorr and Stevens voted aye. Motion carried.

RETURNING TO ITEM 12E

Figard there are several issues to consider: 1) The R.U.T.S. Program for arterials; 2) Build-Through Standards for acreages; and 3) What to do with existing subdivisions that don't have paving. He said "If you're going to put urban surfaces on a four or five acre lot, at some point in time, the average person can't afford that." Figard said he sympathizes with those property owners, but said "it is not right for the rest of the community to subsidize services so somebody that gets annexed can live on a five acre lot and not pay for it".

Hudkins said the Lincoln Journal Star Newspaper reported that the Board objected to plans that require roads to be built to city specifications and said a decision has not been made on the best way to proceed within the City's three-mile zoning jurisdiction.

Figard said he and County Engineer are still looking at the pros and cons of City versus County design standards.

8 LEAGUE OF WOMEN VOTERS CONTRACT - Don Taute, Personnel Director; Dave Shively, Election Commissioner; Kristy Mundt, Deputy County Attorney

Kristy Mundt, Deputy County Attorney, said her office has concerns that the contract is a "facade" and that the workers are basically independent contractors. She said it may be possible to make them temporary employees.

Dave Shively, Election Commissioner, said his office has contracted with the League of Women Voters for a number of years to staff voter registration sites. He said it is a fund-raising mechanism for the League of Women Voters and the League is paid directly, not the individual workers. The contract provides for an hourly rate of \$4.75, with total compensation capped at \$2,500.

MOTION: Workman moved and Heier seconded to direct the County Attorney's Office to remove any reference to hourly compensation in the contract. Workman, Heier, Hudkins, Stevens and Schorr voted aye. Motion carried.

9 AMENDMENT TO INTEGRATED CARE COORDINATION UNIT (ICCU) CONTRACT WITH STATE OF NEBRASKA DEPARTMENT OF HEALTH AND HUMAN SERVICES TO EXTEND THE CONTRACT THROUGH JANUARY, 2005 - Sheryl Schrepf, Families First & Foremost (F³) Director; Pat Kreifels, System of Care and Integrated Care Coordination Unit (ICCU) Director; Kristy Mundt, Deputy County Attorney

Sheryl Schrepf, Families First & Foremost (F³) Director, said the Integrated Care Coordination Unit (ICCU) contract will be amended to extend the agreement from September 30, 2004 through January, 2005. She said she would also like to engage Randall Funding and Development, Inc. to look for additional funding sources for children 0-5 years of age.

Schorr suggested that an invitation be extended to Richard DeLiberty, Nebraska Department of Health and Human Services (HHS) Behavioral Health Administrator, to meet with the Board.

Schrepf also introduced Pat Kreifels, System of Care and Integrated Care Coordination Unit (ICCU) Director.

10 COUNTY INSURANCE COVERAGE - Doug Cyr, Deputy County Attorney

Doug Cyr, Deputy County Attorney, asked whether the Board is interested in sexual harassment coverage. He said the additional coverage will cost \$12,000 per year, with a self-insured retention of \$250,000.

Schorr inquired about frequency of claims.

Cyr said they are infrequent and said he cannot recall any monetary judgements against the County. He said his office is currently defending a case and offered to provide specifics in an Executive Session.

MOTION: Hudkins moved and Schorr seconded to enter Executive Session at 10:53 a.m. for discussion of pending litigation. Hudkins, Heier, Workman and Schorr voted aye. Stevens voted no. Motion carried.

MOTION: Schorr moved and Hudkins seconded to exit Executive Session at 11:02 a.m. Schorr, Stevens, Workman, Heier and Hudkins voted aye. Motion carried.

MOTION: Hudkins moved and Workman seconded to decline the offer of coverage. Hudkins, Heier, Workman, Schorr and Stevens voted aye. Motion carried.

11 NEBRASKA CAP PRICE PROGRAM FOR NATURAL GAS - Don Killeen, County Property Manager

Don Killeen, County Property Manager, reported on Cornerstone Energy's Cap Price Program for natural gas (see agenda packet).

MOTION: Workman moved and Hudkins seconded to decline participation in the program. Schorr, Stevens, Workman, Heier and Hudkins voted aye. Motion carried.

12 ADMINISTRATIVE OFFICER REPORT

- A. Authorize Gwen Thorpe, Deputy Chief Administrative Officer, to Sign Proxy for Hartford Life Insurance Company Putnam International New Opportunities Fund
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- C. Authorize Gwen Thorpe, Deputy Chief Administrative Officer, to Sign Two Proxies for Nationwide Life Insurance Company Baron Growth Fund
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- E. Correspondence Regarding Development at 84th Street and Highway 2

Items moved forward on the agenda.

RETURNING TO ITEM 12E

Mike Rierdon, representing Clarendon Hills and Portsche Heights, appeared and said he has filed a petition for the Clarendon Hills Road Improvement District. The district does not include Amber Hills Estates.

Schorr asked whether the developer of the new subdivision will underwrite a portion of the paving cost.

Rierdon said that is still being negotiated.

Stevens asked whether an upgrade to curb and gutter upon annexation would be at the City's expense or an assessment to the property owners.

Rierdon said he is not sure, but will ask the City Engineer.

ADDITIONS TO THE AGENDA

B. Update on Hallam Storm/Tornado Damage

MOTION: Schorr moved and Hudkins seconded approval of the addition to the agenda. Hudkins, Heier, Workman, Schorr and Stevens voted aye. Motion carried.

Norm Agena, County Assessor/Register of Deeds, appeared and said his staff is driving the entire area to verify where property damage occurred and has discovered damage outside the areas identified by Federal Emergency Management Agency (FEMA) and Emergency Management.

13 EMERGENCY ITEMS AND OTHER BUSINESS

- A. The Board asked the Chair and Vice Chair to inform the Mayor in their monthly meeting that: 1) The City's alternative proposal with regards to the jail interlocal agreement is not acceptable; and 2) The County Board believes that the cost of finishing the County-City Building third floor should be assessed to those that occupy the space.
- B. The Board changed the starting time of the October 21, 2004 Staff Meeting from 8:15 a.m. to 8:45 a.m.

14 ADJOURNMENT

MOTION: Schorr moved and Workman seconded to adjourn the meeting at 11:26 a.m. Schorr, Stevens, Workman, Heier and Hudkins voted aye. Motion carried.

Bruce Medcalf
Lancaster County Clerk